IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19588 of 2006

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NARANBHAI DAYABHAI PARAVADA - Petitioner(s)
Versus
ASHWINKUMAR NAVINCHANDRA PAREKH & 4 - Respondent(s)

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Appearance :
MR RM CHHAYA for Petitioner(s) : 1,
MR KISHOR M PAUL for Respondent(s) : 1 - 5.

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 02/03/2007

ORAL JUDGMENT

Heard the learned advocates.

This petition arises from the judgment and order dated 29th June, 2006 passed by the Labour Court, Rajkot in Miscellaneous Application No.21/2005.

The respondents-workmen were the employees in a partnership firm M/s. Ambika Oil Cake Industries. The petitioner was one of the partners in the said firm. According to the petitioner, after the dissolution of the said firm and retirement of the petitioner from the partnership firm, the respondents-workmen raised industrial disputes against the said firm, which were referred to the Labour Court, Rajkot and were registered as Reference (LCR) Nos.302/1995 to 306/1995. The said References were not attended by the petitioner as he had ceased to be a partner in the firm. The said References were allowed on 3rd February, 2005 against the petitioner *ex parte*. Feeling aggrieved, the petitioner preferred Miscellaneous Application No.21/2005 under Rule 26A of the Industrial Disputes (Gujarat) Rules, 1966 for restoration of the said References. The said Application has been rejected by the learned Judge by impugned judgment and order dated 29th June, 2006. Therefore, the present petition.

On the facts and in the circumstances of the

case and in the interest of justice, the petition is allowed. The impugned order dated 29th June, 2006 made by the Labour Court, Rajkot in Miscellaneous Application No.21/2005 is quashed and set-aside. The Miscellaneous Application No.21/2005 is allowed. The common judgment and order dated 3rd February, 2005 passed in Reference (LCR) Nos.302/1995 to 306/1995 is quashed and set-aside. The Reference (LCR) Nos.302/1995 to 306/1995 are restored and are remanded to the Labour Court, Rajkot for hearing and decision afresh. The parties shall be at liberty to file pleadings and to lead evidence.

This order is made on condition that, within one month from today, the petitioner will pay a cost of Rs.3,000=00 to each workman and will file his written reply in the aforesaid References. Both the parties will cooperate in expeditious hearing and disposal of the References.

Registry is directed that on petitioner's producing the receipt/s of the cost paid to the workmen, the sum of Rs.5,000=00 deposited in this

Court be remitted to the petitioner.

Rule is made absolute in the above terms.

(Ms. R.M.Doshit, J.)

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